

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARKEE HORTON,

Petitioner,

v.

**WARDEN, MADISON
CORRECTIONAL INSTITUTION,**

Respondent.

**CASE NO. 2:17-CV-00758
JUDGE ALGENON L. MARBLEY
Magistrate Judge Elizabeth P. Deavers**

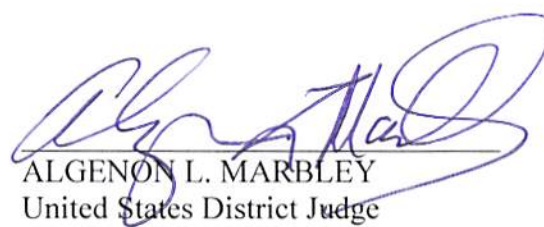
OPINION AND ORDER

On January 22, 2018, the Magistrate Judge issued a *Report and Recommendation* recommending that this action be *sua sponte* dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. (ECF No. 6.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed. The docket indicates that notice of the Magistrate Judge's *Report and Recommendation* to Petitioner was returned as undeliverable, and marked "Return to Sender – Refused." Therefore, the *Report and Recommendation* (ECF No. 6) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED** for failure to prosecute.

Petitioner has failed his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

The Clerk is **DIRECTED** to enter final judgment.

IT IS SO ORDERED.



ALGENON L. MARBLEY
United States District Judge